

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

HOBART CORPORATION, <i>et al.</i> ,	:	
Plaintiffs,	:	
v.	:	Case No. 3:13-cv-115
THE DAYTON POWER & LIGHT	:	JUDGE WALTER H. RICE
CO., <i>et al.</i> ,	:	
Defendants.	:	

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DECISION AND ENTRY SUSTAINING IN PART PLAINTIFFS' MOTION  
IN LIMINE OR, IN THE ALTERNATIVE, TO ALLOW A SECOND  
DEPOSITION OF EDWARD GRILLOT (DOC. #488)

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As discussed with counsel during the conference call held on November 15, 2016, the Court SUSTAINS IN PART Plaintiffs' Motion in Limine or, in the Alternative, to Allow a Second Deposition of Edward Grillot.<sup>1</sup> Doc. #488.

Pursuant to Federal Rule of Civil Procedure 30(a)(2)(A)(ii), because of Mr. Grillot's declining health, Plaintiffs are granted leave to take a second deposition, limited to four hours, and limited to testimony concerning the Dayton Daily News, Dayton Journal Herald and McCall. Defendants Cox Media Group Ohio, Inc., and ConAgra Grocery Products Company, LLC, may participate in that deposition.

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<sup>1</sup> The Court makes no ruling at this time on Plaintiffs' request that, in the event Mr. Grillot is unavailable to testify at trial, his 2012 deposition testimony and 2016 Declaration are admissible.

Date: December 5, 2016

A handwritten signature in black ink, appearing to read 'W. H. Rice', is positioned above a horizontal line.

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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE